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Roger Williams University School of Law

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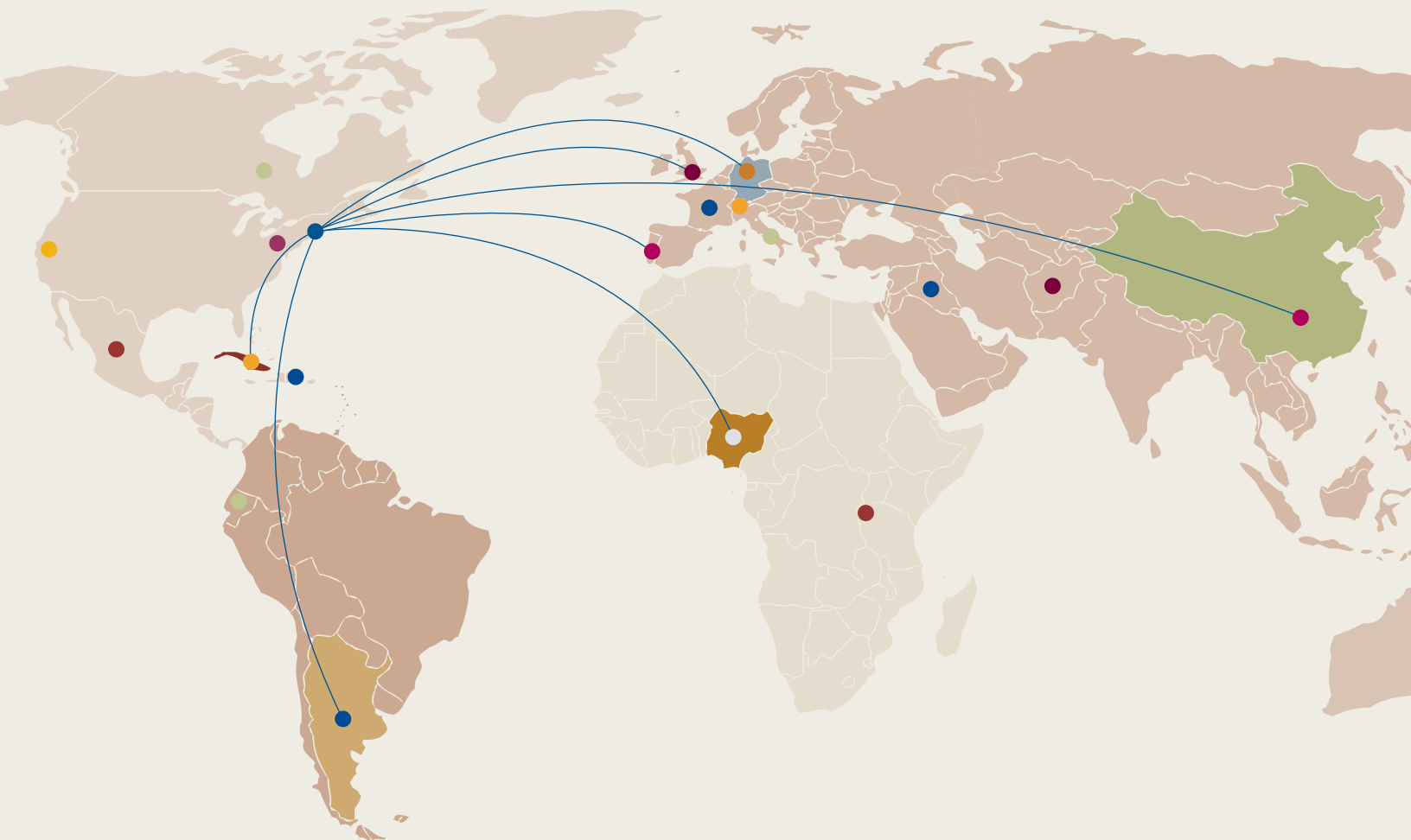
AMICUS

THE MAGAZINE OF ROGER WILLIAMS UNIVERSITY SCHOOL OF LAW

WINTER 2008

MORE GLOBAL **connections**

RWU: Where International and Domestic Law Converge





David A. Logan
Dean and Professor of Law

Friends,

In the previous issue of *Amicus*, we highlighted some of the many RWU Law faculty who are actively engaged in the practice of international law – from Professor Louise Teitz’s leadership in Public International Law organizations to Associate Professor Jared Goldstein’s representation of Guantanamo detainees.

This issue completes the picture by focusing on faculty who pursue research and writing in manifold areas touching on many aspects of international law – and often its increasingly important intersections with domestic law.

Some are familiar names for those who have followed the accomplishments of School of Law faculty over the last decade: Ed Eberle, our Distinguished Research Professor of Law, has thought deeply and written broadly in comparative law, especially juxtaposing the constitutions of the United States and Germany; and Peter Margulies, a prolific scholar in national security and related areas, is another notable member of our prolific senior faculty. In this issue you will also learn more about one of our top young scholars, Tim Kuhner, who is off to a terrific start in human rights law: in less than two years of teaching, he has had articles accepted by the lead journals of Cincinnati and Cal-Berkeley (and an earlier article in a specialty journal was published in both English and Spanish!). And we’ll also introduce you to one of the top scholars at the Naval War College, Peter Dutton, who is a valued member of our adjunct faculty, and a recognized expert in maritime law and China in particular.

These *Amicus* issues, plus our distinctive summer programs in Lisbon and London, underscore our faculty’s remarkable breadth of international law experience and knowledge, all of it available to our students on a regular basis – making Roger Williams a terrific place to prepare for a legal career that is increasingly borderless.

David A Logan

For updates on School of Law events, visit the Dean's Blog at:
<http://blogs.rwu.edu/law/dean>



AMICUS

Vol. 6 No. 2 Winter 2008

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RWU Law Excels in Faculty Productivity

Roger Williams ranks number five in New England in per capita productivity of faculty, measured by articles published in top journals, according to a comprehensive survey of faculty productivity conducted by Associate Dean of Academic Affairs and Professor of Law, **Michael Yelnosky**.

The rankings compared New England law schools during the 14-year period from 1993 to 2007, including all American Bar Association (ABA) accredited and Association of American Law Schools (AALS) members. RWU law ranked behind regional and national powerhouses Yale, Harvard, Boston University and Boston College, but ahead of such long-established law schools as Northeastern, Suffolk University, University of Connecticut and University of Maine to name a few. Among *U.S. News and World Report* third- and fourth-tier law schools nationally, RWU School of Law ranked second for productivity, trailing only Hofstra University.

1. Yale University (17.52)
2. Harvard University (13.59)
3. Boston University (8.79)
4. Boston College (5.09)
- 5. Roger Williams University (4.84)**
6. University of Connecticut (4.60)
7. University of Maine (2.85)
8. Northeastern University (2.75)
8. Quinnipiac University (2.70)
10. New England School of Law (2.47)
11. Western New England College (1.72)
12. Suffolk University (1.46)
13. Vermont Law School (0.86)

** Includes all ABA accredited and AALS member schools*

Recent Grad Endows Legal Writing Award

Melvyn Topf, a 2006 graduate of the School of Law, has endowed an award for the best example of student writing in the legal writing program.

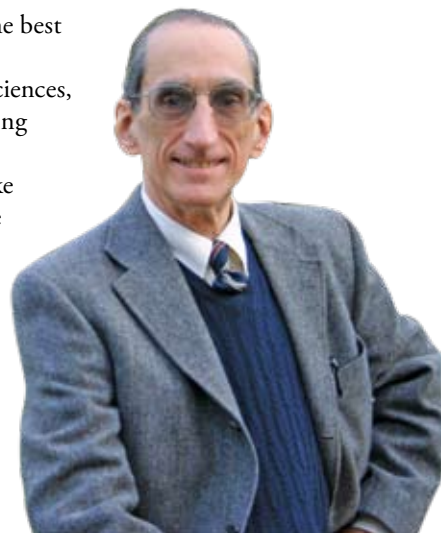
Topf, a professor of writing studies in the undergraduate College of Arts and Sciences, attended law school part-time and was impressed by the high quality of legal writing instruction he received from the law school faculty.

"The general faculty at RWU does an excellent job of teaching students to think like lawyers," Topf said. "The Legal Methods faculty teaches students to communicate like lawyers – every bit as difficult, and just as crucial to success in law."

The generous gift means that the Legal Methods Faculty Annual Award for "Best Appellate Brief" will be accompanied by a cash award of \$1,000.

"The appellate brief that is the basis of the award is the capstone of a rigorous year of case and statutory analysis, legal research and writing, so it is only fitting that this be the focus of the endowment," Topf said.

Dean David Logan noted that "this generous gift from a recent graduate reflects Prof. Topf's appreciation for the rigorous yet supportive training he received from our excellent Legal Methods faculty."



RWU's Phenomenal Bar Pass Successes

It's been a record-breaking year for School of Law graduates on the "Big Three" bar exams – those given by Connecticut, Massachusetts and Rhode Island. Eighty-five percent of RWU students sitting for one of the Big Three passed on their first try, while 81 percent of those taking two of the three exams passed *both* on the first try.

"Our pass rate for Rhode Island is the highest in the school's history," noted Dean David Logan. "This is a remarkable achievement because Rhode Island has the fifth *lowest* pass rate in the country."

Meanwhile in Connecticut, Roger Williams students topped the state pass rate by 11 percent.

"Just considering our 2007 graduates, we had a 100 percent bar-pass rate for Connecticut in July," said Logan. "And because Connecticut is one of the few states that release comprehensive data – July 2007 and February 2007 – we know that, when the July and February 2007 results are combined, RWU ranks number one among schools with 30 or more takers."

This latest success comes on the heels of very strong bar results in the Big Three jurisdictions over the last three years.

"All this is evidence of how hard work by RWU students – plus teaching that is rigorous, but humane – is a recipe for professional success," Logan said.

First-Time Bar-Pass Rate for July 2007 Bar

(In order of number of students taking exam)

Massachusetts	88%
Rhode Island	78%
Connecticut	91%

Connecticut Bar-Pass Rates

(Schools with 30 or more test takers, for July and February 2007 exams combined.)

1. RWU	89%
2. UConn	86%
3. Pace	78%
4. Quinnipiac	76%
5. Western New England	74%
6. Hofstra	72%

Senior staff members gather at the School of Law at Commencement, May 2007



Standing, from left: Director of Business Services Kathy Massa; Associate Dean for Academic Affairs Michael Yelnosky; Executive Assistant to the Associate Dean Tracy Sartry; Director of Student Finance & Records Linda Vieira; Director of Marine Affairs Institute and Rhode Island Sea Grant Kristen Fletcher; Assistant Dean of Career Services Anthony Bastone; Director of Clinical Programs Andrew Horwitz; Assistant Dean of Admissions Michael Boylen.

Sitting, from left: Director of Feinstein Institute Laurie Barron; Assistant Dean of Students Lorriane Lalli '01; Retired Dean of Students and Director of Academic Support Dennis Tonsing; Associate Dean for Library and Information Services Gail Winson; and Dean David Logan. Director of Alumni, Programs and Events Chelsie Horne is missing from the picture.

Loan Repayment Help for Public Interest Grads

RWU Law received a major gift from leading litigator **Jack McConnell**, and his wife Sara, which will fund a loan-repayment program for graduates entering public interest practice.

"We are thrilled to be able to support the law school's commitment to educating the highest caliber lawyers to help right wrongs and make the world a better, fairer place," McConnell said. "By reducing the pressure created by the cost of financing legal education, more of the best and brightest lawyers will be able to pursue their dream of using their skills and training to serve the neediest among us."

"Many law school graduates, especially those drawn to Roger Williams because of our deep commitment to public service, hope to practice public interest law but are deterred by the combination of modest salaries and loan repayment obligations," Dean David Logan explained. "This generous gift will enable RWU graduates with a passion for public service to begin their careers as public interest lawyers by defraying the cost of their repayments for their first three years of practice."

McConnell is a senior partner with the national litigation firm Motley Rice, which already supports the School of Law's public service mission by participating with other leading firms in the unique "Pro Bono Collaborative." This program links practicing lawyers, RWU students and community organizations on a range of important issues facing less fortunate families.

Law School Welcomes Professor Cahill



Associate Professor **Courtney Megan Cahill** was recently welcomed to the School of Law from the University of Toledo College of Law.

Professor Cahill is an established scholar, known for her work examining contemporary issues of law and sexuality, which draws on a deep knowledge of classical and early modern texts on these subjects. Her articles have appeared in the *Northwestern University Law Review* and the *Washington and Lee Law Review*. She is also excellent in the classroom; she will be teaching Sexual Orientation, Family Law, and Property at Roger Williams.

Professor Cahill has a B.A. degree from Barnard College, *summa cum laude*, a Ph.D. in Comparative Literature from Princeton University, and a J.D. from Yale Law School, where she won the Colby Townsend Prize and served as chief essays editor of the Yale Law Journal and a Coker Teaching Fellow. After graduating from Yale she clerked for the Honorable Harold Baer, Jr., of the United States District Court for the Southern District of New York. She has also served as a visiting professor at the University of Michigan Law School and the Washington and Lee University School of Law.

Faculty Members Away from Home...

- Assistant Professor **Timothy Kuhner** was a visiting professor at Duke University School of Law (his alma mater) in fall 2007.
- Associate Professor **Anne Lawton** was a visiting professor at Michigan State University College of Law in fall 2007.
- Associate Professor **Emily Sack** is a visiting professor at Boston College Law School in spring 2008.

Newly Tenured Faculty



Professor **Nancy Cook** joined the School of Law faculty in 2004 as a nationally recognized leader in clinical legal education, after serving on the law faculties at Cornell, the University of New Mexico and American University.

She has continued her exemplary work in that arena at RWU, designing an innovative interdisciplinary “Community Justice and Legal Assistance” clinic, and she continues to publish important scholarship on the power of narrative to influence the law, lawyers, judges and clients.

Cook is a member of the Executive Committee of the AALS Section on Clinical Legal Education, a member of the Board of Governors of the Society of American Law Teachers (SALT) and an active member of the Clinical Legal Education Association (CLEA), which in 2003 presented her with its Outstanding Advocate Award.



Professor **Anne Lawton**’s expertise is broad. She has produced an impressive body of scholarship on Title VII sexual harassment doctrine, exploring the ways in which the doctrine impacts litigated cases and reflects a misunderstanding of the interpersonal and organizational dynamics of sexual harassment in the workplace. Her articles have appeared in the *Minnesota Law Review*, the *Yale Journal of Law and Feminism*, the *Columbia Journal of Gender and Law*, the *George Mason Law Review* and the *University of Pennsylvania Journal of Labor and Employment Law*.

Her teaching interests cover the range of commercial law courses – from first-year Contracts to Sales, Secured Transactions and Consumer Law. Professor Lawton is also a remarkably effective teacher, having been elected “Teacher of the Year” by the student body several times.



Professor **George Nnona** (profiled in this issue, page 20) has rather quickly established himself as a scholar of note in two areas – comparative analysis of financial and legal institutions (with a focus on Nigerian law), and transnational regulation of multidisciplinary practice. He has explored the latter subject in depth in a series of articles that appeared in the *St. John’s Law Review*, the *Indiana International and Comparative Law Review* and the *Cornell International Law Review*.

He teaches Business Organizations, Securities Regulation, International Trade, International Business Transactions, Jurisprudence and a seminar on Multi-disciplinary Practice in an International Context.



When she joined the School of Law faculty, Professor **Emily Sack** was already a nationally recognized expert on domestic violence and the court system, having helped develop the nation’s first domestic violence courts.

Since joining academia, Sacks’ scholarship has been equally influential. Her articles in the *Northwestern Law Review* and the *Washington University Law Review* have explored the relationship between domestic violence, family law issues and the federal courts. In a 2004 article in the *Wisconsin Law Review*, Sack used the debate over mandatory state interventions into domestic violence to explore what she calls “The Struggle for the Future of Domestic Violence Policy.” Only months after its publication, the article was cited in a dissenting opinion by Justice Stevens in *Castle Rock v. Gonzales*, 546 U.S. 748 (2005).

Professor Sack teaches Criminal Law, Criminal Procedure, Family Law, Domestic Violence and Children and the Law.



Chief Justice Weisberger Honored with New Award

At its 2007 annual meeting, the Rhode Island Bar Association created a new prize in honor of its first recipient, retired Supreme Court Chief Justice **Joseph R. Weisberger**, “for exemplifying and encouraging the highest level of competence, integrity, judicial temperament, ethical conduct and professionalism.” Chief Justice Weisberger is chair of the School of Law’s Board of Directors.

Gloria Larson Named President of Bentley College

Roger Williams University School of Law congratulates **Gloria C. Larson**, a member of the School of Law’s Board of Directors, on being named president of Bentley College.

“This job is a new life adventure that will draw on my background in business and public policy,” said Larson, who has served as co-chair of the government practices group at Foley Hoag LLP, Boston, and chair of Massachusetts Convention Center Authority.

“My goal is to help tell the Bentley story to a wider and wider audience, both here in our backyard and globally.”

Larson will be the college’s seventh president, and the first woman to hold the top position.

The ‘Dean of Clean’

Steve Mello, a/k/a the “Dean of Clean,” worked at the School of Law for nearly a decade, first in the cafeteria and later as a member of the maintenance team. His ready smile and unfailingly upbeat personality made him a friend of many faculty, staff and students, who saw him off with a going-away party when he moved on to a new assignment in the spring of 2007.



Professor Zlotnick Named New Academic Dean

Distinguished Service Professor **David M. Zlotnick** has been named the new Academic Dean.

A popular and respected teacher of criminal law and related courses, Professor Zlotnick co-founded the law school’s “Innocence Project” in conjunction with his work in our Criminal Defense Clinic. He won a grant from the Open Society Institute to perform an empirical study of the attitudes of federal judges about restrictions imposed upon them by the Federal Sentencing Guidelines. Building on this path-breaking research, he organized and hosted an RWU symposium on the topic, “Sentencing Rhetoric: Competing Narratives in the Post-Booker Era.” He has also done important appellate litigation work with Families Against Mandatory Minimums.

Zlotnick will replace Michael Yelnosky, who has provided excellent leadership for four years. After a well-earned sabbatical, Yelnosky will return to full-time teaching, service, and scholarship.



School of Law Alum is New Assistant Dean of Students

The School of Law appointed **Lorraine Newton Lalli '01** as assistant dean of students, to replace **Dennis Tonsing** upon his retirement.

Prior to her deanship, Lalli served as the school's first director of diversity and outreach. In addition to her diversity-related responsibilities, she was associate director of academic support, in which capacity she worked closely with Dean Tonsing to deliver academic support to Roger

Williams students. Lalli also planned and presented at a national conference of academic support directors held at RWU (sponsored by the Law School Admission Council) and served on the School of Law Admissions Committee.

"I am delighted that Ms. Lalli will be taking on the important responsibility of providing direct services, support and guidance to our students," said Dean David Logan. "She has a remarkable record of achievement in a range of academic and work settings, and is well prepared for her new responsibilities after working with Dennis Tonsing, a national leader in delivering student services."

Lalli is a *magna cum laude* graduate of both Spelman College and Roger Williams School of Law.

Bastone Receives NALP Award of Distinction

Anthony L. Bastone II, assistant dean of career services, received the "Distinction for Diversity" award of the National Association for Law Placement (NALP).

The award recognized Bastone for his work with the Denver "Pledge to Diversity" Law Firm Group. He served as chair of the "Diversity in the Legal Profession" committee for the Colorado Bar Association during his tenure at the University of Colorado School of Law from 1998 until his appointment at Roger Williams in August 2004.

"I am honored and humbled to be recognized by my peers in NALP," said Dean Bastone. "Most importantly, though, we should recognize the ethnically diverse students and gay and lesbian students whose efforts have made this program a huge success and indeed a national model. Finally to receive this award of distinction after almost three decades in legal education represents the pinnacle of my career."



Robin Steinberg Named Alumna of the Month



Roger Williams University School of Law congratulates **Robin Steinberg**, a member of the School of Law Board of Directors,

on being named "Alumna of the Month" by New York University School of Law.

The "Alumna of the Month" program is designed to recognize exceptional contributions made by individuals to the legal profession. Steinberg, executive director of the Bronx Defenders, has been a public defender for 25 years. Over the course of her career, she has been honored by the National Legal Aid and Defender Association for her "exceptional vision, devotion and service in the quest for equal justice"; by the New York Bar Association for her "outstanding contribution to the delivery of defense services"; and by Harvard Law School, which awarded her the Wasserstein Fellowship in recognition of her "outstanding contributions and dedication to public interest law."

Today, Steinberg teaches trial skills to law students and professionals, serves on panels and speaks throughout the country and around the world about public defense management and "holistic lawyering." She serves on the Board of Directors of the New York State Defender Association and New York City Alternative to Incarceration, and she is an advisory board member of the National Defender Leadership Project.

RWU Goes Green!

Roger Williams Law is taking the initiative in promoting sustainability and environmental consciousness both on campus and beyond.

The Environmental Law Society, in collaboration with the Marine Affairs Institute sponsored a program that gave students a chance to discover the size of their “carbon footprint.” After a screening of Al Gore’s award-winning global-warming documentary, “An Inconvenient Truth,” and a talk by an expert on wind power, students used a computer program to estimate their footprints according to their travel, living and diet choices. Students were provided with specific steps to reduce their impact on the environment and how to make contributions to environmental groups.

Green activities include an energy audit of the Law School Building, as well as efforts to reduce the use of bottled water and biodegradable materials being used through our campus caterer Bon Appétit.



RWU Joins Environmental Business Council

RWU Law recently became a member of the Environmental Business Council (EBC), which conducts meetings and programs so that business professionals can network and learn about challenges affecting environmental businesses in New England.

The Rhode Island Chapter provides speakers on topics that are of interest to member companies both within and outside of Rhode Island, including member-only regulatory updates, networking events, workshops, and professional breakfast briefings and lunch meetings held at local venues. Marine Affairs Institute staff and RWU faculty can avail themselves of any EBC services. For further information, visit <http://www.ebcne.org>.

Mehaffey Receives Marine Affairs Achievement Award

This year’s Marine Affairs Achievement Award, given to a graduating student who has demonstrated exemplary performance in the study and advancement of marine policy and law, went to **Jennifer Mehaffey ’07**.

Mehaffey became very active in marine affairs almost immediately upon her arrival at RWU. A natural leader, she served as president of the Maritime Law Society and as a student attorney in the Community Justice Clinic. As a Sea Grant Law Fellow, Mehaffey conducted research for the City of Warwick and Coastal Services Management Council on harbor management issues, and continues her work with the agency on aquatic nuisance species issues. She also was selected for a prestigious Knauss Marine Policy Fellowship, which will match her with a host in the legislative or executive branch of the government in Washington, D.C.

Pro Bono Collaborative Welcomes New Firms

The Pro Bono Collaborative (PBC) recently welcomed three new law firms – Partridge Snow & Hahn LLP; Brown Rudnick Berlack Israels LLP; and Edwards Angell Palmer & Dodge LLP – into its ongoing effort to provide free legal services for disadvantaged Rhode Islanders. Two additional newcomers – Adler Pollock & Sheehan P.C. and Motley Rice LLC – bring the number of participating law firms to six.

“The Pro Bono Collaborative is an efficient and creative way of providing pro bono legal services to individuals and entities in need, with the added benefit of providing an excellent training program for law students,” said Joseph D. Whelan, a partner with Hinckley Allen Snyder LLP and an adjunct professor at the RWU School of Law since 1998. Whelan has been instrumental in engaging a cadre of his colleagues in the PBC.

The PBC links private and corporate attorneys, law students and community-based organizations (CBOs) to provide desperately needed free legal assistance to these CBOs’ clients, Rhode Island’s most disenfranchised individuals and families.

Graduates join public interest law workforce

The Feinstein Institute is proud to announce that seven 2007 School of Law graduates have moved directly into full-time work in public interest law:

Akin Adepaju –	Fair Trial Initiative, Durham, N.C.
Joanna Arkema –	Committee for Public Counsel Services, Pittsfield, Mass.
Nicole Eldridge –	United States Office of the Special Counsel, Washington, D.C.
Lauren Graham –	South Coastal Counties Legal Assistance, Hyannis, Mass.
Tenee McKinley –	Center for Family Representation, New York City
Kevin O’Keefe –	Broward County Public Defender, Fort Lauderdale, Fla.
James Rolstead –	Maricopa County Public Defender, Phoenix, Ariz.

YOU'RE INVITED! SAVE THE DATE!

Student Association for Public Interest Law

Winter Auction Friday, January 25, 2008

The Feinstein Institute for Public Service Winter Auction is coming – help us to raise funds for summer internships in public interest law!

Location: Jacky’s Galaxie, Bristol, R.I.

6:00 – 7:00 p.m. Cocktail Hour

7:00 – 9:30 p.m. Live & Silent Auction

7:00 – 11:00 p.m. Band

- Complimentary food & beverages
- Raffle Prizes

Ticket Price: \$5 in advance or \$7 at the door

Contact: Deb Conry at 401-254-4573 or
dconry467@hawks.rwu.edu

Last summer, our public-interest stipends sponsored RWU law students at the Alliance for Justice in Washington DC, Southern Poverty Law Center in Alabama, Loyola Law Clinic’s Post-Katrina Project in New Orleans, Harvard’s Hale and Dorr Legal Services Clinic, Rhode Island Legal Services and many more... Help us surpass last year’s total of \$20,000 so that we can offer more students interning in the public interest legal field a summer stipend.

Currently, we are seeking donations of all kinds, particularly from our alumni and friends that can provide unique, fun or valuable experiences. Everybody loves professional sports tickets, weekend getaways and dining at great restaurants. Law students love getting to eat, drink and network with professionals at firms or organizations, and auction items like these are fun and easy to give. Even Dean Logan auctions off his parking space for a semester; last year it went for over \$500!

Most importantly, please attend the auction and join the RWU Law School community for a fun night of networking, socializing and supporting more scholarships by bidding on auction items!

David A. Logan

The Chicago Tribune (March 13, 2007)

Vioxx Jury Awards Man \$20 Million in Retrial

"[This] verdict gives the plaintiffs some real momentum in these New Jersey cases [i.e., the 16,000 Vioxx cases pending in New Jersey Superior Court]."



Andrew Horwitz

The Providence Journal (April 27, 2007)

Advocates for Prison Reform Take Their Case to Lawmakers

"The standard of proof at a probation violation hearing is lower than at trial. Hearsay is admissible as evidence, and a person is not automatically acquitted of violating probation even if he is acquitted of the criminal charge that constituted the violation. The presumption of guilt is extraordinary."



Carl T. Bogus

National Public Radio (June 18, 2007)

A Surprising Split Among Liberals – Debate: Second Amendment

"What the militia was in 1791 is not relevant. What is relevant is [that] the militia is a defined term in the Constitution and it is what Congress decides it will be. It can change over time, and today it is surely the National Guard system because that is what Congress has determined."



Larry Ritchie

The Providence Journal (April 25, 2007)

Providence Set to Strip Ex-Police Leader's Pensions

"Waiting in the wings [to commence proceedings to strip former Providence Mayor Vincent A. "Buddy" Cianci of his municipal pension] is Larry J. Ritchie. ... Ritchie said he has been compiling evidence of ... dishonorable service and expects to contact [Mr. Cianci and his lawyer] this summer to schedule hearings."



Peter Margulies

The New York Times (March 18, 2007)

For Federal Prosecutors, Politics is Ever-Present

“A crisis like the Sept. 11 attacks creates the occasion for a monolithic model for law enforcement and national security. It creates a lot of pressure for a top-down model. That includes even traditionally autonomous actors like U.S. attorneys.”



Donald A. Migliori

The New York Times (September 18, 2007)

More 9/11 Lawsuits Are Settled

“It was a clear indication of where the case was going, the recording showed they were conscious and aware of the plane being hijacked, and the last five minutes of struggle, heroism and flight. I think it’s fair to say that the folks that chose litigation knew they were going to get compensated whether they went into litigation or went into the fund. But uniformly it was understood and appreciated that the fund was not going to provide the same level of compensation as litigation. [Those who settled] had reached a point where they were satisfied that the mix of their motivations – from compensation, to accountability, to answers – was satisfied.”



Colleen P. Murphy

The Providence Journal (May 26, 2006)

Legal Expert on Reparations Speaks at Slavery Forum

At a public forum cosponsored by Brown University’s Steering Committee on Slavery and Justice, Professor Murphy told the audience that “the federal government is unlikely to offer compensation, monetary or otherwise, to African-Americans for slavery and its legacy. ... If anything is going to happen in the near future, it is going to come from private entities, such as Brown University.”



David Zlotnick

The Providence Journal (October 3, 2007)

Case Before High Court Mirrors Issues Heard in R.I.

“What you have is a real problem. Congress passed a law in 1986 that made crack sentences incredibly severe, and the Sentencing Commission made guidelines more severe. But since then, scientists, academics and most judges on the right and left have recognized that crack sentences under the guidelines are overkill, and that it was a political reaction to the death of [Boston Celtics first-round draft pick] Len Bias and scare stories about crack babies. ... Crack is dangerous, and crack dealers are dangerous – just not 100 times more dangerous than powder dealers.”

MORE GLOBAL connections

JAPAN

FRANCE

KUWAIT

ECUADOR

PORTUGAL

HAITI

SWITZERLAND

ITALY

ARGENTINA

SPAIN

NIGERIA

GERMANY

RWANDA

CUBA

NEW YORK

LOS ANGELES, CA

IRAQ

ENGLAND

WASHINGTON, D.C.

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MEXICO

CANADA

AFGHANISTAN

THE NETHERLANDS

SAUDI ARABIA

CHINA

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RWU Law's Top Academics Work on the Cutting Edge, Where International and Domestic Law Converge

by Michael M. Bowden

Many of today's most pressing legal issues are unfolding in a realm where purely domestic considerations are only one piece of the puzzle. As growing numbers of lawyers encounter international law issues in their everyday practice, Roger Williams law students enjoy learning from a faculty more than equal to the task of preparing them for this brave new legal world.

In the Spring 2007 issue of *Amicus*, we profiled some of the school's top "boots on the ground" faculty members, exploring the diverse ways in which they translate their international law experiences from the world arena into the classroom. In this issue, we focus on faculty who pursue their respective international interests more through research, writing and discussion – though it's difficult to draw hard lines between theory and practice.

"Our faculty brings to the table a tremendous depth and breadth of practice, experience and academic prowess that benefits all of our students," said David Logan, dean of the School of Law. "These are world-class scholars working in areas where domestic and international law converge, and the distinction between 'academic research' and 'practical application' begins to blur."

Peter Margulies, for example, recently led a major Roger Williams conference on "Legal Dilemmas in a Dangerous World: Law, Terrorism and National Security," and has become a major national voice on post-9/11 legal developments. Tim Kuhner widens perspectives with his analysis of the emerging theory of democracy as a human right. Peter Dutton brings two decades of naval experience to bear in urging greater American engagement in the new Law of the Sea convention. Meanwhile, Edward Eberle and George Nnona analyze developments in U.S. legal norms – in constitutional and corporate law, respectively – by comparing them to the experience and practice of other nations.

In the pages that follow you will meet these dedicated scholars, sample their writing and gain a better understanding of why Roger Williams School of Law is justly proud of its ever-expanding global connections.

A WATCHDOG on human rights

By Michael M. Bowden

The legal and political fallout of the September 11 terrorist attacks raised a host of difficult dilemmas in U.S. law enforcement and national security strategy – and Professor Peter Margulies is one of several RWU Law academics tackling the problem head on.

Margulies is Roger Williams' leading watchdog on human rights issues. On November 9 in Bristol, for example, he led a conference here on "Legal Dilemmas in a Dangerous World: Law, Terrorism and National Security," with the aim of generating new ideas and solutions to these problems rather than confronting them as "zero-sum games."

Since 9/11, Margulies has written almost a dozen articles arguing that the current administration's "absolutist" approaches to the War on Terror – whether it's restricting due process for Guantanamo detainees, employing unwarranted phone taps, pushing the limits of "harsh interrogation" or suspending habeas corpus rights – are "far too monolithic" to be effective.

"These procedures are simply not what you would expect from a constitutional democracy," he explained, referring to the hobbling of due process at Guantanamo. "The process is minimal – the defendants get no lawyers, they can't see the evidence against them, they can't call witnesses, they can't keep out 'torture' evidence. So we're talking about zero-for-four on rights that people generally enjoy in a republic."

On the subject of torture, he noted the work of former Army interrogator Mike Ritz, who has appeared on media outlets from CNN to The History Channel, arguing that harsh interrogation is generally ineffective. To demonstrate, Ritz subjects volunteers to the methods experienced by Guantanamo detainees (most notoriously "water-boarding" reporter Kaj Larsen, a former Navy Seal, while cameras rolled).

"If it were me, I'm sure I would have spilled whatever I knew, and a lot that I didn't know, probably within the first

minute or two," Margulies said. "And that's the problem: a tortured prisoner will say anything to make it stop." *(For more about Margulies' views on this topic, see excerpt at right).*

As for the current suspension of habeas corpus rights for Guantanamo, detainees under the Military Commissions Act of 2006 (MCA), Margulies remains optimistic that "the new Congress will revisit and restore habeas corpus. And if not, the U.S. Supreme Court will, within the next year or so, strike down [the MCA] under due process, because it takes away habeas corpus without putting anything in its place."

Margulies is currently working with fellow RWU professor Jared Goldstein – as well as litigators Patricia Sullivan and Deming Sherman, partners at the law firm of Edwards Angell Palmer & Dodge in Providence – in representing two Afghan detainees, and legally challenging the MCA.

Margulies' work in the area of international human rights law began when he was still a law student at Columbia University – and, as the son of two refugees, it was personal.

"It was because of my parents' experiences that I got involved in human rights law," he said. His mother survived the Holocaust in Poland by hiding under a chicken coop for eight months. His father was an Austrian Jew who left for France after witnessing a Hitler rally firsthand. France deported him, however, and he ended up living in Shanghai for ten years, since quotas for Jewish refugees had been filled elsewhere.



BRISTOL, RI

While teaching law at St. Thomas University School of Law in Miami (he was hired there by current RWU law professor Larry J. Ritchie), Margulies founded and directed the Immigration Law Clinic, focusing on representation of Haitian refugees.

"The common thread in the reactions of outsiders to refugee narratives is disbelief," he said. "After World War II, inmates of the Dachau were told 'you're making it up.' And the Haitians were facing a similar situation – 'reports of abuses are exaggerated.' Also, we often assess and interpret refugee narratives based on whether we perceive them as our friends or our enemies."

'The Guantanamo defendants get no lawyers, they can't see the evidence against them, they can't call witnesses, they can't keep out 'torture' evidence. We're talking about zero-for-four on rights that people generally enjoy in a republic.'

— Professor Peter Margulies



IN THEIR OWN

words

Professor Peter Margulies

The Perils of Absolutism

Absolutism is a tempting stance for the Left and Right in surveying the post-September 11 legal landscape. Ideologies that allow for no exceptions attract true believers.... However, an absolutist stance produces little useful guidance. [...] Absolutism is not a convincing answer to the complex issues of torture, war powers, or confinement of persons who have committed criminal acts of disloyalty.

While moral intuitions are valuable, a sound normative and descriptive framework for any of these issues requires a hard look at institutions. At the institutional level, as well, however, choices range from difficult to tragic. A central issue for institutions is the nature and scope of responses to exigent circumstances. In the torture context, specific *ex ante* authorizations [...] risk licensing abuse. A more appropriate path would entail the availability of *ex post* procedures, such as a necessity defense for the practice of coercive interrogation where the defendant could demonstrate that his efforts had saved lives and there was no less intrusive means of obtaining the information.

Such a defense would promote transparency and avoid scapegoating low-level personnel. However, allowing *ex post* mechanisms in this setting is the product of a tragic choice. While allowing a necessity defense may save lives, it also creates its own common law, which may work subtly to encourage coercive interrogation or torture, despite efforts to limit the defense's applicability. [...]

Ultimately, the great flaw of absolutism is that it masks difficult choices, and obscures the analysis of institutions necessary for determining legal rules. Rhetoric is no substitute for reflection about the difficult choices the legal system faces in the arenas of terrorism and national security.

Excerpted from Prof. Peter Margulies' "Beyond Absolutism: Legal Institutions in the War on Terror," 60 U. Miami L. Rev. 309 (2006).

SETTING THE high seas agenda

By Michael M. Bowden

Navigating the complex political, financial and military tensions that currently characterize U.S.-China relations is surely one of the most pressing challenges of the 21st century.

Fortunately, navigation is – quite literally – one of Professor **Peter Dutton**'s specialties. An adjunct professor of law of the sea at Roger Williams, Dutton – who retired from active duty just last year – brings with him 22 years of experience as a career naval officer and Navy Judge Advocate, advising top policy and decision makers on maritime law issues concerning the Mediterranean Sea, Red Sea, Indian Ocean, Persian Gulf, South China Sea and elsewhere.

“At sea, there’s a very active role for JAGs practicing law in the context of day-to-day naval operations; in framing how operations are conducted by the Navy,” Dutton said. “There are also academic opportunities to learn about and shape both the way the law moves and how it is perceived by others.”

The most important of these laws today, Dutton said, is the UNCLOS (United Nations Convention on Law of the Sea), which came into force in 1994. Defining the rights and responsibilities of nations in their use of the seas, UNCLOS aims to establish clear guidelines for businesses, while improving environmental protection and management of marine natural resources.

“It’s a brand new approach to oceans law, and the world is still coming to terms with it,” Dutton explained. “Before this, there were the 1958 Geneva Treaties, and all the rest was either customary law or domestic legislation. [UNCLOS] brought all the different threads of maritime law together into a single, comprehensive



body of law related to world’s oceans – and we’re just now beginning to interpret what it means.”

To date, 154 countries and the European Community have signed the Convention; however, the U.S. has not, claiming the treaty is unfavorable to America’s economy and security. Dutton sees that as a mistake.

“We’re not members, but 154 other countries recognize it as law and are moving forward with or without us,” he explained. “That’s how international law develops – based on the practice and policy of states. So if we’re to have a voice we need to (a) ratify the convention and (b) become active advocates for American interests.”

Dutton is particularly concerned about China’s taking advantage of U.S. absence from the convention by aggressively interpreting the Law of the Sea to its own advantage in the areas of shipping, fishing and accommodating the interests of its rapidly expanding navy.

“The Chinese are academically and politically engaged in interpreting this new law – in a word, they are setting the agenda,” Dutton said. “The U.S. needs to respond and ensure that our interests are also taken into account.”

For example, China is pushing for more restrictive policies on international navigation rights, while also restricting maritime surveys and other legal research and attempting to advance their maritime claims over water space to the disadvantage of their neighbors.

“We need to cooperate with other countries in achieving more positive values; for example, anti-proliferation of weapons of mass destruction and several other very substantial strategic interests,” Dutton said. “We need to bring this situation to the attention of policy makers related to the War on Terror. We need to participate in this process to ensure coherence, now, while the law is still developing, and move the law in a way that helps our country and every country.”

IN THEIR OWN

words

Adjunct Professor Peter Dutton



Avoiding Japan-China Conflict

It is a timeless and fundamental question: Must competition for scarce resources inevitably lead to conflict? Today, that age-old question is often asked in reference to the many sites in the world's oceans in which neighboring coastal states are shouldering each other for the authority to claim the potentially vast sources of hydrocarbons embedded in the continental shelf and the fishing rights to the waters above it. With more than a billion people to feed and a surging economy that demands ever more energy, the People's Republic of China has become one of the world's fiercest competitors for the ocean's resources. [...] China has accommodated and cooperated to develop disputed areas with several other of its maritime neighbors and even to resolve some of those disputes amicably [...]; nonetheless, the competition between China and Japan over the resources in the East China Sea remains confrontational, causing some concern that the competition for regional predominance between these two powerful nations could spark armed conflict if not carefully managed.

[...] So far, China and Japan seem to be talking past each other rather than to each other in their public discourse surrounding their dispute over the East China Sea. However, the stakes are high, given the possibility that supposedly "managed" conflict can always result in unintended war. Substantial economic and political benefits could be derived from a cross-sea détente, but this would require both sides to choose to set aside old grudges and move forward cooperatively rather than competitively. The examples provided by the agreements between the United States and Canada and between Australia and Papua New Guinea demonstrate that international law charts several productive paths for this way forward. Tokyo and Beijing should begin this journey by developing a trusting and cooperative spirit through step-by-step implementation of precursor agreements similar to the tripartite agreement for hydrocarbon exploration in the Spratlys and to the joint fisheries agreement between China and Vietnam. Only then will East Asia be able to demonstrate that competition for scarce resources need not inevitably lead to conflict.

Excerpted from Prof. Peter Dutton's "Carving Up the East China Sea," Naval War College Review, Vol. 60, No. 2, Spring 2007.

Dutton grew up in Connecticut, where he was "always on, in and around the ocean, sailing, swimming and fishing." Before becoming a JAG, he flew electronic warfare missions as a naval flight officer. In 1990, he transitioned from aviation into the JAG Corps, serving as a military and federal prosecutor, executive officer and military law instructor. Upon retiring from active duty in October 2006, Dutton joined the permanent faculty of the Naval War College in Newport, R.I., where he is a founding member of the school's China Maritime Studies Institute, and writes and lectures on issues related to U.S. and Chinese perspectives on maritime international law.

CHINA

'We're not members of the Law of the Sea convention, but 154 other countries recognize it as law and are moving forward with or without us. If we're to have a voice we need to ratify the convention and become active voices in advocating for American interests.'

— Professor Peter Dutton

IMPLEMENTING genuine democracy

By Michael M. Bowden

International human rights is an evolving area of law concerned broadly with “the basic rights and freedoms to which all humans are entitled” – a category often held to include the right to life and liberty, freedom of thought and expression, equality before the law and – some argue – democratic governance.

But if democracy is to be raised up as a human right, then the concept will require considerable polishing, according to Professor **Timothy Kuhner**, who teaches torts, public international law and human rights at Roger Williams.

“Democracy as a human right implies a separation between business and state,” he explained, “And any such right must be defined so as to limit the role of money in politics, which, by extension, is a human rights violation per se. These are different angles of the same idea.”

Because democracy is both ascending as a human right and becoming an increasingly common aspect of state practice, Kuhner argues that its definition under international law matters more than ever. The “glaring problem,” he said, is that democracy in practice frequently fails to achieve its professed goals of popular sovereignty and political equality.

“Consider the role of moneyed interests in politics, for example, and the fact that ordinary people are outgunned by special interests and wealthy individuals when it comes to access to and influence on the political process, elected representatives and the market for ideas,” Kuhner said.

“The problems associated with corporate power, lobbyists, campaign finance, political action committees, political ad campaigns and corrupt politicians are now common knowledge,” he explained.

“This and other similarly obvious failures – to provide decent public education, health care, environmental legislation, responsible foreign policy and a livable minimum wage, for example – should suffice to raise the question of whether our democracy is in reality an oligarchy, a government of certain elite actors whose interests are at odds with those of the people.”

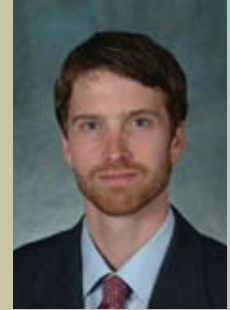
Given such massive challenges even in strong and established democracies, Kuhner believes that international action will be necessary to implement genuine democracy as a human right for nations that are in transition, still struggling to build robust legal institutions and political cultures.

“Some basic components of democracy should be arrived at and codified in international treaty law,” Kuhner said. “If democracy is going to be the only legitimate form of government, we’d better damn well make sure it’s a good one – which, in practice, would imply a separation of business and state.” (*For more about Kuhner’s views on this topic, see excerpt*).

“Only international codification would solve the collective-action problem of capital flight,” Kuhner explained. “Included among those components there should be restrictions on the exercise of economic power to obtain desired political outcomes – including, at minimum, anti-corruption legislation, public financing of elections and serious restrictions on lobbyists and political-action committees.”

Kuhner attributes his strong sense of social justice to a combination of unique educational and travel experiences. Having traveled as far afield as India with his parents as a child, he later attended a private school in





IN THEIR OWN words

Professor Timothy Kuhner

Separation of Business and State

The phenomenon of money in politics is a separation problem – that is, a problem of the private sphere of business overreaching into the public sphere of governance; in short, excessive entanglement. Once the problem is seen in this light, it is natural to ask what insights into dealing with it can be gleaned from the two most significant separations in U.S. law: the separation of powers, and the separation of church and state. ...

An analysis of these earlier separations reveals that the forces at work today are the same perennial forces contemplated by the Founders: unreformed human nature, dominated by unenlightened self-interest and ideological passion, and factions which emerge as a collective manifestation of interest and passion. ...

Capitalism is not our political system, democracy is. Slowly, however, the norms, values, and emissaries of capitalism are eating away at democracy. The result is excessive entanglement between two systems and their respective spheres: the system of capitalism and the private economic sphere of business on the one hand, and the system of democracy or the public sphere of governance and state activities on the other. This commingling of systems and spheres comes from the ability of monetary influence to translate into political influence, and it has led to a lack of a separation between business and state.

This lack of separation – characterized by increases in the importance of money in elections, the role of special interests in producing legislation, the replacement of sincere debate with a war of sound bites, and widespread ethical impropriety among elected leaders – undermines democratic values and procedures, and produces poor public policies. ...

American political thought is rooted in the belief that the state should not be subordinated to any church, and that individuals are entitled to choose and freely exercise their own religion. Let us compare this belief to another: the state should not be subordinated to or formally coordinated with corporations, and the people – not just wealthy people – should have the right to exercise meaningful political choice.

*Excerpted from Prof. Timothy Kuhner's
"The Separation of Business and State,"
California Law Review, forthcoming 2008.*

New Hampshire founded on "a fusion of eastern religious principles and American transcendentalism." Kuhner studied in Mexico and Spain during his college years, then did a year of field research on non-violent conflict resolution in Argentina, Ecuador and Costa Rica, before working as a negotiation consultant in Uruguay.

"Through all this I came to understand that, at least in my view, a lot of poverty is not accidental; it's a case of injustice," he said. "That gave me a focus and a chip on my shoulder, I guess – and I've carried it with me. There's not a lot of sense in all the world's religions and philosophies if we just go through the motions while enjoying our own prosperity. We need to ask what we can do to improve other people's lives."

URUGUAY

'... at least in my view, a lot of poverty is not accidental; it's a case of injustice. That gave me a focus and a chip on my shoulder, I guess – and I've carried it with me.'

— *Professor Timothy Kuhner*

RESEARCH, INTERCHANGE, give-and-take

By Michael M. Bowden

Up until about five years ago, many lawyers considered “multidisciplinary practice” (MDP) the wave of the future. With MDP, lawyers and law firms would be free to partner with accountants, financial advisors, real-estate agents and other non-legal professionals – the sky was the limit; the Europeans were already doing it; the ABA had better catch up fast! But then the sky fell. First came the Enron scandal, then WorldCom, followed by a trail of others.

“Suddenly, MDP was no longer feasible,” said Professor **George Nnona**, who teaches corporate law, securities law and seminars on international trade and international business transactions at RWU Law.

Nnona – who was one of the few academics to actively oppose MDP from the start – felt vindicated, noting that public outrage and media scrutiny of these corporate debacles helped ensure that the legal profession would shy away from multidisciplinary temptations for the foreseeable future.

“We’ve gone beyond the issue of MDP now,” he said. “Certainly no political movement is saying, ‘Let’s permit it.’ Events overtook the idea.” (To learn more about Nnona’s views on this topic, see “*Situating Multidisciplinary Practice within Social History: A Systemic Analysis of Inter-Professional Competition*,” 80 *St. John’s L Rev.* 849 (2006)).

Nnona earned his basic law degree with high honors from Ile-Ife University in Nigeria and holds graduate degrees in law from Lagos and Harvard Universities. At Harvard, he was appointed a Graduate Fellow, teaching comparative law in Harvard

Law School’s graduate program while concurrently serving as articles consultant to the Harvard International Law Journal.

Immediately before joining the Roger Williams faculty, Professor Nnona worked as an associate at Gibson, Dunn & Crutcher LL.P. in New York, where he concentrated primarily on corporate governance and private equity issues – but he said he was “always in a hurry to teach.”

“The money is worse but everything else is better,” Nnona said with a smile. “I enjoy the time to do research, the interchange with students, the give-and-take – the Socratic method at play.”

Getting feedback from former students who have now entered the profession is also “very interesting and rewarding,” he added. “It’s gratifying to hear my former students say ‘You taught us x, y and z, and we just used it yesterday!’”

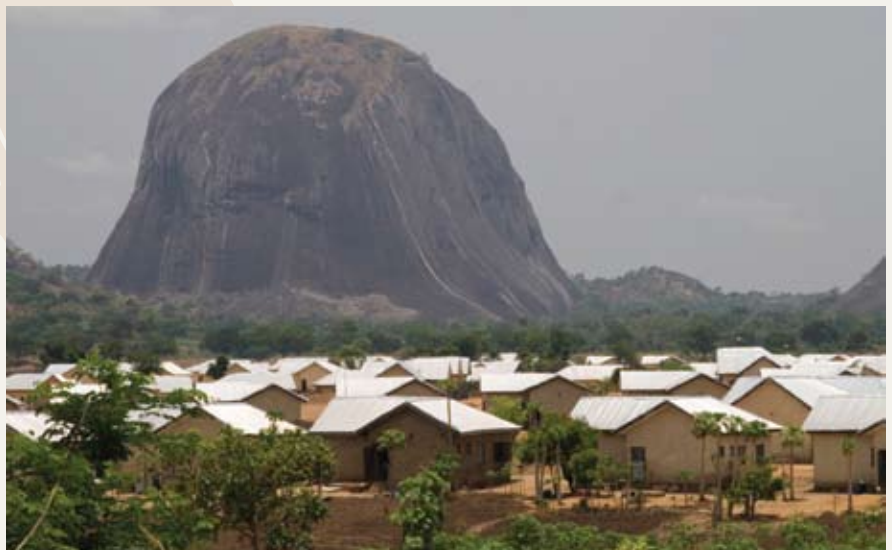
Nnona’s current academic work focuses on the need for a change in the way corporations are viewed vis-à-vis citizenship (see *accompanying excerpt*).

He is also engaged in unusual research on “the ways in which legal malpractice liability can be construed as a ‘value-added’ by large law firms to clients in the transactional work context.” And he displays a vital, ongoing interest in comparative law between the U.S. and his native Nigeria – which, he explained, has wider practical implications than one might expect.

“Nigeria borrows heavily from U.S. securities law, for example,” Nnona said.

“Nigeria even has its own Securities and Exchange Commission, and there is a major push toward U.S.-style regulation.” These efforts, in turn, shed light on both the American model and international finance as a whole.

“It’s impossible to teach securities law in isolation,” said Nnona. “You cannot understand the subject completely without considering its international dimensions.”



NIGERIA

IN THEIR OWN words

Professor George Nnona



What Should 'Corporate Citizenship' Mean?

The extension of the citizenship concept from the individual to the corporation, though valid, implicates theoretical difficulties.

"Corporate citizenship" is a newfangled conceptual and rhetorical tool aimed at instilling in the modern corporation a sense of social obligation akin to that evoked by the term "citizen" when applied to an individual.

As a matter of legal doctrine this extension is hardly impeachable, since the notion of the corporation as a legal person has long been well-established; therefore, that the leap from personhood to citizenship is not a long one. In the broader social and political contexts, however, this extension of citizenship to the corporation has important and disturbing implications.

In particular, it disrupts the evolutionary trajectory of the citizenship concept, weakens democratic citizenship, understates the corporation's obligations to society and impedes rather than improves the corporation's capacity for enhanced social responsiveness. In essence it is – contrary to general intuition and assumption in this area – a counter-productive framework for articulating the relationship of the corporation to the citizens and polity.

By reconceptualizing the role of the corporation in relation to democratic citizenship, these disturbing implications can, however, be contained. This reconceptualization involves viewing the corporation not as a citizen itself, but rather as a forum for the exercise of democratic citizenship, with the corporation being co-opted into the process in a novel role that is infused with truly socially transformative opportunities.

Excerpted from a work-in-progress by Prof. George Nnona, projected for 2008 publication.

‘ It’s impossible to teach securities law in isolation. You cannot understand the subject without considering its international dimensions.’

– Professor George Nnona

DIFFERENT SPEECH, different freedoms

By Michael M. Bowden

Edward Eberle, Roger Williams' first "Distinguished Research Professor of Law," publishes widely on a variety of constitutional law topics, often from a German comparative law perspective.

"Germany is a good choice, because it is the main competitor to U.S.-style 'hard judicial review' – meaning that their Supreme Court can declare a law unconstitutional," explained Eberle, who is fluent in German, having studied the language in his teens and used it ever since. "The more common European model involves 'soft review,' deferring declaration of unconstitutionality to the government," he said. "The government usually goes along, but it's a very different dynamic."

Among Eberle's recent works are two articles in the *Tulane Law Review*, "Free Exercise of Religion in Germany and the United States" (2004), and "Religion in the Classroom in Germany and the United States" (2006). The articles explore approaches that are, again, similar to America's, but with underlying conceptual differences that can have dramatic implications.

"Our approach, as reflected in the First Amendment, is textually unlimited: 'Congress shall make no law ... abridging the freedom of speech, or of the press,'" Eberle said. "But nothing is absolute – we weigh speech against various social interests, and there are categories of unprotected speech."

Moreover, while the U.S. Supreme Court has traditionally "preferred free speech over any other right," Germany considers it "just one of a catalog of rights, including *honor* – what we would call defamation – and *reputation*, meaning your right to choose how you are portrayed to the community."



The result? "Hate speech, violence and gruesomeness are basically not possible outside the U.S., but obscenity is easier in Germany than in the United States," Eberle said. "In the U.S., violence is fine but not obscenity. Where the U.S. approach focuses on freedom, Germany's approach is more interested in human dignity and the 'flourishing of the human personality.' We don't have that norm, which is very deeply embedded in Europe. So in the U.S., for example, satire [of public figures] wins every time."

"Also, the U.S. right applies only to government actors; Germany's applies to private actors as well," he added. "And Germany recognizes the category of 'youth speech' – people under 18, with an emphasis on 'developing young citizens of a democracy' – more than America does."

Eberle's recent free-speech works include a symposium piece on the rights of minors, published in the *Michigan State Law Review* in 2005 and "Cross Burning, Hate Speech and Free Speech in America," in the *Arizona State Law Journal* in 2004. The wide-ranging nature of Eberle's scholarly interests is exemplified by an essay co-authored with the German scholar Bernard Grossfeld, and entitled, "Law and Poetry," in the *Roger Williams University Law Review* in 2006.



IN THEIR OWN words

Professor Edward Eberle

Church-State Relations in the U.S. and Germany

Germany's model of church-state cooperation is firmly rooted in constitutional authority and tradition. With that observation, however, Germany is trending toward a model of more open and welcoming accommodation of minorities in recognition of the increasing diversity of German society, including over religion. Commitment to values of neutrality, nondiscrimination and tolerance are marks of this. There is, thus, a discernible movement to values long associated with the American model of church-state relations.

By contrast, the United States yet evidences strong commitment to a model of separation of church and state in certain areas, most notably public school education. But in other areas, most notably public funding of religious education, the American approach is more in line with a church-state cooperative model, characteristic of Germany and most western nations, than one of separation. [...]

Viewed from the unique dimensions offered by comparative law – looking outside native borders to observe workings in other constitutional orders and then reflecting the insights learned on native law to see how we stand, for better or for worse – we seem left with this insight: A model of separation of church and state was uniquely instituted in the New World of America, in Providence colony, then Virginia, and then in certain respects in the United States. Operating under the model of separation, religion thrived in American in the past, and thrives today, perhaps like no other western country.

The question we must now face: are we losing one of the unique traits that has characterized the American “lively experiment” – separationism – and, if so, at what cost and at what benefit? Is a European model of church-state cooperation better suited to American shores?

Excerpted from Prof. Edward Eberle's "Religion and State in the Classroom: Germany and the United States," 81 Tulane L. Rev. 67 (2006).

‘Hate speech, violence and gruesomeness are basically not possible outside the U.S., but obscenity is easier in Germany than in the United States. In the U.S., violence is fine but not obscenity.’

— *Professor Edward Eberle*



Joel J. Votolato '03
President
Law Alumni Association

I would like to begin by thanking my fellow alums for electing me president of the Roger Williams University Law Alumni Association.

Those who know me are aware that my commitment to the Law School began as a 1L, when I was elected as the vice president of the Student Bar Association. I later served as president of the SBA, and was elected to the Law Alumni Association Board of Governors in my first year of eligibility. For those that do not know me, it is with this devotion to serve the School of Law community that I promise to continue over the next year.

I encourage those of you at Roger Williams (during what I like to call the "transitional" years) to revisit the School of Law and see for yourself the tremendous strides the school has made. Bar passage is at an all-time high, not only in Rhode Island but throughout New England and the nation. The Office of Career Services, under Assistant Dean Anthony L. Bastone II, is ready to help both students and alums find their place in the legal community. Under the direction and leadership of Dean David A. Logan, the faculty has truly become one of the finest and most diverse in America.

My message for the upcoming year is this: Do your part! Only you can decide what that means. For some, it may mean contributing to the School of Law's Annual Fund. (I encourage you to give to the Annual Fund, in any amount. If you are not able to give, talk to your colleagues and get the word out about the great things happening at Roger Williams University School of Law.) For others, doing your part could mean getting together a foursome for the Alumni Golf Tournament, organized each year by Anthony Leone '97. Or you could help plan an event by joining a committee and letting your ideas be heard. Doing your part does not necessarily mean endowing a scholarship (though we would not turn down the offer!). We simply ask that you take an interest in your alma mater.

Getting involved is a great way to reconnect with faculty, fellow alums and to establish new bonds with current students. Any time and effort that you are willing to contribute to the School of Law community would be a tremendous asset. I encourage all alums to contact me, or any member of the board, to discuss what you can do to become more active at Roger Williams. We, as alumni, must carry the School of Law's torch out into the world and let the world know we're proud of our alma mater!

– Joel J. Votolato
JJV@DBLawRI.com

Congratulations to the 2007/2008 Law Alumni Association Board of Directors

Effective July 1, 2007 – June 30, 2008

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The LAA Board of Directors meets quarterly. All alumni are invited to attend meetings and/or join a committee.

Students Receive Law Alumni Association Scholarships



Emmet Donnelly of Bay Shore, N.Y., and **Gwendolyn Matuszek** of Chatham, N.Y., are the 2007 Law Alumni Association Scholarship recipients, awarded annually to law students who have successfully completed their first year of study, display academic achievement and demonstrate financial need.

Donnelly is a member of the ACLU (Roger Williams Law Chapter), the Environmental Law Society and the Sports and Entertainment Society, while also serving as class representative to the Student Bar Association. He serves as an intern to the Environmental Advocacy Unit of the Rhode Island Department of the Attorney General's Office in Providence. Donnelly earned a bachelor of arts degree in history from Catholic University, Washington, D.C.

Matuszek is president of the Environmental Law Society and a member of the Honors Program and the Maritime Law Society. She has worked for the Sea Education Association in Woods Hole, Mass. Matuszek earned a bachelor of arts degree in government from Hamilton College in Clinton, N.Y.

Alum Inducted as President of Association for Justice

Mark Gemma '97 was recently inducted as the newest president of the Rhode Island Association for Justice at its 21st Awards Reception, which the association also recognized the Honorable George E. Healy, Jr., as the Citizen of the Year and the Honorable O. Rogerice Thompson with the Judicial Merit Award.



1996

Dick Anderson was the keynote speaker at the North Eastern Rotary International Foundation Convocation for incoming and outgoing Rotary Foundation Ambassadorial Scholars from twenty countries, on the subject of "Spreading Peace Through Individual Diplomacy" on September 28, 2007 in Worcester, Mass.

David D. Bagus founded the law firm of David D. Bagus Attorney at Law on January 1, 2007 in North Smithfield, R.I., concentrating in R.I. and Mass. workers' compensation, personal injury, divorce and social security.

Bill Chamberlain married Kim Chaplin, Esq., on May 6, 2006. He is employed at Lynch & Lynch, South Easton, Mass. defending professional liability and attorney discipline matters.

Jennifer Samolyk and her husband John Romney are the proud new parents of twin girls: Capri Elizabeth and Summer Amanda. They were born on April 1, 2007. Jennifer is a senior staff attorney at Howrey LLP. Jennifer and her family reside on Capitol Hill in Washington D.C.

1997

Laura Gottlieb and Kenneth Feldman welcomed a daughter, Isabelle Hazen Gottlieb Feldman on May 4, 2007. Isabelle joins older brother, Max, 4. Laura is a staff attorney at Wilkie Farr & Gallagher LLP, New York City.

Anthony R. Leone and his wife, Chelsie, announce the birth of their son, Zachary Anthony Leone, on April 19, 2007.

Deborah A. Kennedy recently purchased and renovated a building that will house Kennedy Law Office, LLC, East Providence, R.I.

Krista Lundborg DiRico and her family reside in North Mansfield, Mass. She has three boys, Jack, 9; Matthew, 7; and Cameron, 2. She served as co-chair to the "It Takes Two to Tango" charitable event for the South Shore YMCA. The event raised more than \$210,000.

Rhonda Maggiacomo is a senior vice president for Bank of America Leasing. Rhonda manages a team of eight associates who are responsible for preparing and negotiating contracts for corporate aircraft finance transactions. She has three other alumni on her team: **Tracy Doorly** (vice president), **Megan Snowberger** and **Chad Kavanagh**.

Robert E. Pirri married Julie Pirri, on August 11, 2007. Robert is currently a vice president for Bank of America Global Wealth Management. They reside in Bristol, R.I.

1998

Stephen Bernardo is a senior vice president and business banker with Bank of America. He handles the commercial mortgage and other banking needs of professional service firms, and other business clients in R.I. and Mass. In addition, he is the immediate past president of the Law Alumni Association.

John La Terra Bellina serves as counsel to the firm Orson and Brusini Ltd., Providence.

Stephanie DiSarro-Anderson and **Dennis Anderson** welcomed a son, Lucas Peter, on May 4, 2007. Lucas joins older brother DJ, 5. Stephanie is co-owner of Preferred Closing & Title Services and serves as a partner at DiSarro-Anderson & Reilly, LLP both in Cranston, R.I.

Matthew Joe won both the Rhode Island State Skeet

1999



Tyler Savage joined Harter Secrest & Emery LLP in Rochester, New York. He assists clients in various merger, acquisition, securities, and private equity transactions. He resides with his family in Rochester.

Championship and the Northeast Sectional Pistol Championship this summer.

1999

Katherine Allen has opened an office in State College, Penn. She will practice part-time in the areas of criminal defense, domestic relations, and "long distance legal" services. She is pursuing a law and policy doctorate in the College of Communications at Penn State. Katie and her husband Mark, and two sons, Brooks and Tobin, welcomed Rosemary Reed McLeod (Miri) on August 23, 2007.

Stacey R. Cohen was married on August 25, 2007 to George M. Patterson, Esq., in West Paterson, N.J. They currently live in Hoboken, N.J.

Paul A. Doughty received a scholarship to attend Harvard University's Trade Union Program, an intensive six-week executive training program designed for trade union leaders. It teaches essential skills for the management and leadership of unions, as well as providing a unique opportunity to explore key issues for the labor movement. In addition, Paul is an active firefighter and serves as president of the Providence Firefighters Association.

David A. Holley and wife, **Lisa S. Holley** '01, reside in East Greenwich, R.I. He has been promoted to senior

managing director for Kroll Associates. Dave is the New England Region Office Head.

2000

Lisa A. Dickens welcomed a daughter, Landynne Mae on January 20, 2007.

Shannon M. Garvey married Kevin P. Roach on July 28, 2007, in Boston, Mass. The matron of honor was **Nicole Wood Hermsdorf '99**, and in attendance was **Melissa Coulombe Beauchesne '00**. The couple resides in Wrentham, Mass.

Carly Iafrate welcomed Gracelin Ray Iafrate on October 24, 2007. She joins two older sisters.

2001

Jeremy LaFrancois is employed at the U.S. Department of Justice in the Foreign Claims Settlement Commission. The Commission is responsible for the adjudication of claims of US citizens for takings and injuries caused by foreign governmental action. In addition, Jeremy and his wife welcomed their second son, Jeremy Thomas, on December 21, 2006.

2002

Kimberly Grabarz is an associate at Pond North, LLP, Hanover, Mass.

Christy Hetherington

Grijalva and her husband, Bleu, welcomed Colby Finn Grijalva on September 8, 2006. Colby joins his big brother, Ben.

Karen Hadam, M.D., formerly of the Law Alumni Association Board of Directors, is now the Director of Anesthesia at the Calais Regional Hospital in Calais, Maine.

Lucy Holmes Plovnick and her husband, Robert welcomed a son, Kevin Xavier, on December 1, 2006. The family resides in Washington, D.C., where Lucy is an associate attorney at Stinson Morrison Hecker LLP.

2003

Keri Pluck Claeys joined the law firm of Martha E. Von Rosenstiel, P.C. in Delaware County, Penn. She is the managing litigation/bankruptcy attorney for the creditors' rights firm.

Jose Despian is employed by a boutique law firm in N.J. The firm specializes in securities, private placement offerings, real estate, finance, *de novo* banking and regulatory banking.

David M. Dolbashian is a real estate attorney for Houlihan Managhan, LLP, Newport, R.I.

Debra A. Dunleavy, her husband Mark and their daughter Olivia are pleased to announce the birth of Deanna Rose.

Mark P. Gagliardi is celebrating the second year of his solo practice, which focuses on real estate and employment law. His office is in Providence. Mark and his wife, Sherri, have a son, Jack, 3.

Douglas M. Mercurio and his wife, Michelle, welcomed the birth of a son, Steven Michael, on October 17, 2006.

Richard Shewack manages the asbestos and other toxic tort claims department at Global Aerospace, Inc., Short Hills, N.J. Richard and his family reside in South Whitehall Township, Penn.

Kelly Lynn Swan Taylor is an associate at Shoffner & Associates in Boston.

2004

Chad Edgar recently earned the Bronze Star Medal for his service as a Judge Advocate in Iraq.

Josh Kaufman is the chief compliance officer at Symmetry Partners, an investment advisory firm in Glastonbury, Conn. He was married to Laurie (Steinberg) Kaufman in May of 2006.

Nick Kapsa recently graduated from Purdue University with a Masters degree in human resource management. Since June 2006, Nick has worked at IBM as a human resources partner in Rochester, Minn. Nick relocated to Austin, Texas to provide additional HR support to an IBM executive on site.

Carolyn Medina and Kyle Medina welcomed a son, Devin Patrick, on December 4, 2006.

2005

Charles B. Bates is employed at the Kentucky Department of Public Advocacy.

Jillian Colby has been admitted to the New Hampshire Bar and the United States District Court for the District of New Hampshire. She is employed by Kalil and LaCount, Rye, N.H.

Joel Curelo is employed at Southwestern Oregon Public Defenders Service.

Michael J. Luzzo is employed by the Worcester County District Attorney's Office. Michael is a prosecutor for the adult criminal jury session, as well as a juvenile court prosecutor.

Jacqueline M. Marro is engaged to be married on October 12, 2008. Marro is currently practicing with the family law firm, Amendola & Amendola, LLC, Fairfield, Conn.

Mary-Joy Spencer joined Pannone Lopes & Devereaux in April of 2007, to assist the firm's growing special mastership practice. Mary-Joy's efforts are currently devoted full-time to the reporting and monitoring needs of the firm's court-appointed special master who oversees reform of the California prison system. She was engaged in June 2007 while vacationing in Rome, Italy, with her fiancé Jason Howes, a graphic design artist and musician from Boston.

Ami Jayne Wilson is an associate with the Law Offices of Kevin F. Collins in Stamford, Conn., practicing matrimonial law.

2006

Bridget Longridge and **Aaron Baker** were married on May 12, 2007, in St. Augustine, Fla. Aaron is completing his LL.M in Taxation at the University of Florida Frederic G. Levin College of Law. Bridget is a staff attorney for the Eighth Judicial Circuit Court of Florida. The couple resides in Gainesville, Fla.

Alexandra B. Curran and **Andrew E. Walter** were married on September 2, 2007 in Pennsylvania.

John N. Lockwood is an assistant public defender for Schenectady County, N.Y., in the family law department.

Amanda Gruber is employed at Biedermann, Hoenig & Ruff, P.C., in labor and employment defense work.

Shelley Perry passed the July 2007 Florida Bar Exam. She is also licensed in Massachusetts and Rhode Island.

Robin A. Richison is an assistant public defender at the Law Offices of Bennett H. Brummer, Miami Public Defender's Office. She currently works in the domestic violence unit representing indigent clients with misdemeanor battery and injunction violation charges.

Tracy Steinbach married **Kenneth R. Hermann** on September 1, 2007 at St. Clements Castle in Portland, Conn. **Kevin Zimmerman '06**, was Ken's best man, and **Bianca Resmini '06**, was a bridesmaid.

Erin Van Dorn has completed her tenure as seasonal recruiter for Roger Williams University School of Law and is now working as the admissions counselor for St. John's University School of Law in Queens, N.Y. She also acts as housing coordinator and financial aid liaison to students and recent graduates.

In Memoriam

2005



It is with deep sadness that we note the passing of **Nathan J. Schuldheiss**, killed while serving as a civilian anti-terrorism investigator with the Air Force in Iraq on November 1, 2007.

Special Agent Schuldheiss volunteered for service in Iraq after graduating from Roger

Williams, and his efforts during his five months there led to the arrest of more than a dozen insurgents.

"He was absolutely patriotic," said his father, Jeff Schuldheiss of Newport, R.I.. "He has a quote in his will that says something like, 'War is not the worst of things. Even worse is the person who believes that there is nothing worth fighting for.'"

Dean David A. Logan commented, "Nathan made the ultimate sacrifice for his country and Roger Williams is proud to be his alma mater. Our prayers go out to his family at this sad time."

2007



It is with deep sadness that we note the passing of **Adam David Nahmias** on July 11, 2007. Adam was a friend to all, well liked by faculty and staff members at Roger Williams Law, and popular among his fellow students.

"He was a cheerful presence both in the classroom and in our law community," said one friend. "I was thrilled to watch him walk across the stage to collect his degree at commencement. He was going to be a wonderful lawyer: one who cared about his clients and understood and appreciated his role in serving justice and the rule of law."

Adam will be sorely missed by family and friends, as well as the community that never had a chance to witness the unfolding of his potential as a lawyer.

2007



Arash Heidarian is employed with McKenna Long & Aldridge LLP in the government contracts group. Heidarian started in the firm's Washington, D.C. office in July and has since moved to the Denver office.

2007



Adrienne Serbaroli recently relocated to San Diego, Calif., with her husband, Dan Bronner, who is currently training with the Navy SEALs. On August 17, Adrienne completed Officer Candidate School and was commissioned as a 2nd Lieutenant in the United States Marine Corps on a law contract. She will become a judge advocate.

2007

Joanna Arkema is employed at the Committee for Public Counsel Services in Pittsfield, Mass.

Jim Atchison married Heather E. Porcelli on August 11, 2007 at Sts. Rose and Clement Church. Jim is employed at the Law Office of Joseph M. DiOrio in Providence.

Sarah Schlechtweg and **Richard Grabowski** announce their engagement.

Evan Schlisserman is a law clerk in the New Jersey court system.

Visit the Dean's Blog:

For our most current events and news!

<http://blogs.rwu.edu/law/dean>



Alumni Chapter List Serves

Interested in joining any of the Roger Williams University alumni list serve areas?

Rhode Island Area

lawri@rwu.edu

D.C. Area

lawdcarea@rwu.edu

N.Y.C. Area

lawny@rwu.edu

You must become a member in order to receive or send correspondence through the list serve to other alumni members.

Email your request to: lawalumni@rwu.edu

*What's
New
With
You*

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Award Recipient? New child?
Recently married?

Share your news with the Roger Williams University School of Law community.

E-mail your Class Notes to:
lawalumni@rwu.edu

Professional photographs are welcome.

Saturday, February 16, 2008

15th Annual Barrister's Ball

Time: 6:00 p.m. Reception
7:00 p.m. Dinner/Reception

Location: The Westin Providence
One West Exchange Street
Providence, R.I.

Alumni Ticket: \$60

For more information, please contact the Office of Alumni, Programs & Events at (401) 254-4659

Sponsored by the Student Bar Association

Thursday, March 27, 2008

Fourth Annual Women in Law Day

Keynote speakers: Attorney and Author Stephanie Shafer & Senior Judge John L. Kane (United States District Court for the District of Colorado)

Location: School of Law

Monday, April 7, 2008

United States Supreme Court Justice Antonin Scalia visits the School of Law

Visit: <http://law.rwu.edu/news/events>
for additional details and upcoming events.

Tuesday, April 15, 2008

Thurgood Marshall Memorial Lecture Series

Devon W. Carbado, Professor of Law, UCLA School of Law

Professor Carbado is the former director of the Critical Race Studies Program at UCLA Law and is a faculty associate of the Ralph J. Bunche Center for African American Studies at UCLA.

Location: School of Law

Sponsored by Hinckley Allen Snyder LLP



Friday, May 16, 2008

Commencement

1:00 p.m.

Open seating

Bristol Campus



Thursday, June 12, 2008

**Law Alumni Association
Annual Meeting and Breakfast**

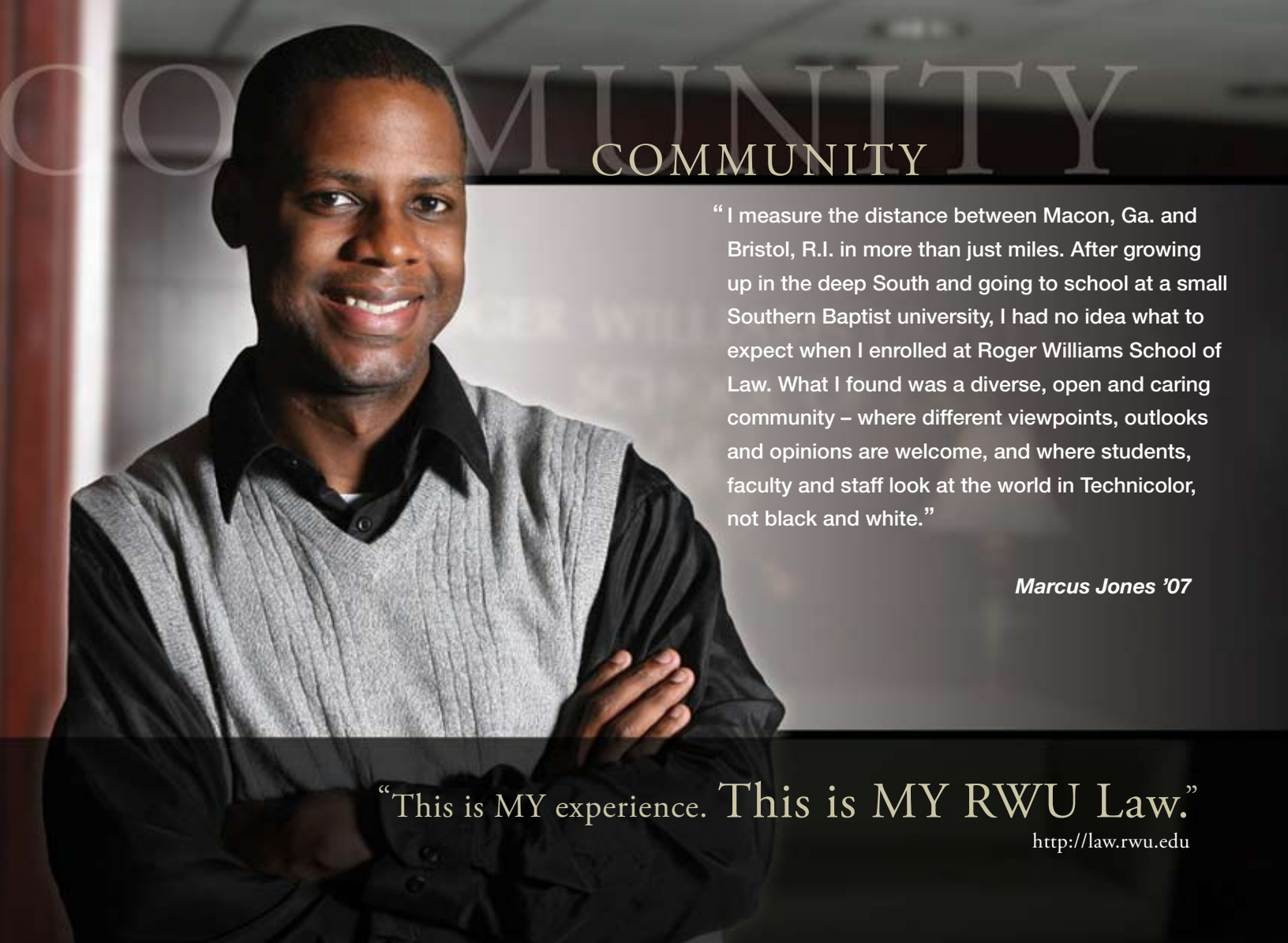
*In conjunction with the Rhode Island
Bar Association Annual Meeting*

Time: 7:45 a.m.

Location: The Westin Providence
One West Exchange Street
Providence, R.I.

School of Law Alumni are required to register at
(401) 254-4659 or email lawevents@rwu.edu

**For additional details on upcoming School of Law events, please visit:
<http://law.rwu.edu/news/events>**



COMMUNITY

"I measure the distance between Macon, Ga. and Bristol, R.I. in more than just miles. After growing up in the deep South and going to school at a small Southern Baptist university, I had no idea what to expect when I enrolled at Roger Williams School of Law. What I found was a diverse, open and caring community – where different viewpoints, outlooks and opinions are welcome, and where students, faculty and staff look at the world in Technicolor, not black and white."

Marcus Jones '07

"This is MY experience. This is MY RWU Law."

<http://law.rwu.edu>



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